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FILED  
DISTRICT COURT  
2017 MAR 1 2 12  
**SEALED**  
DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BENJAMIN DEPUTY BROWN,

Defendant.

INDICTMENT

VIOLATIONS:

Count I

18 U.S.C. § 2252A(a)(2) and (b)(1),  
Distribution of Child Pornography;

Count II

18 U.S.C. § 2252A(a)(5)(B) and (b)(2),  
Possession of Child Pornography.

Case: 2:17-cr-00131  
Assigned To : Kimball, Dale A.  
Assign. Date : 3/1/2017  
Description: USA v.

The Grand Jury Charges:

**COUNT I**

18 U.S.C. § 2252A(a)(2) and (b)(1)  
(Distribution of Child Pornography)

On or about September 27, 2016, in the Central Division of the District of Utah  
and elsewhere,

BENJAMIN DEPUTY BROWN,

defendant herein, did knowingly distribute any child pornography, as defined in 18 U.S.C. § 2256(8) that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and attempted to do so; all in violation of 18 U.S.C. § 2252A(a)(2) and (b)(1).

**COUNT II**

18 U.S.C. § 2252A(a)(5)(B) and (b)(2)  
(Possession of Child Pornography)

Beginning on a date unknown and continuing through December 21, 2016, in the Central Division of the District of Utah and elsewhere,

BENJAMIN DEPUTY BROWN,

defendant herein, did knowingly possess any material which contains an image of child pornography, as defined in 18 U.S.C. § 2256(8), that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, and which images were produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, including by computer, and attempted to do so; all in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2).

**NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE**

Pursuant to 18 U.S.C. § 2253, upon conviction of a violation of 18 U.S.C. § 2252A, as alleged in Counts I and II of this Indictment, the above-named defendant shall forfeit to the United States, (i) any visual depiction described in 2251, 2251A, or 2252, 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed,

shipped, or received in violation of this chapter; (ii) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and (iii) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property. The property to be forfeited includes, but is not limited to, the following:

- My Passport external hard drive, Serial no. WX31AA2C0675
- IBM Think Pad laptop computer, Serial no. PB-3YHLA
- Maxtor external hard drive, Serial no. Y63422AE
- IBM ThinkPad, Serial no. PB-38VPZ
- IBM ThinkPad, Serial no. PB-EXRR7
- AT&T ZTE tablet, Serial no. 326E660300FD

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

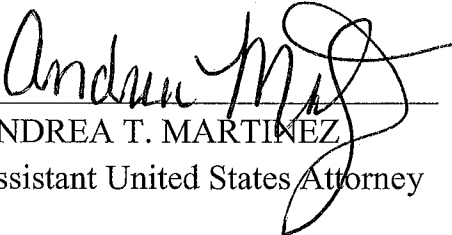
the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. §853(p), as incorporated by 18 U.S.C. §2253(b) and 28 U.S.C. §2461(c).

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY

JOHN W. HUBER  
United States Attorney



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ANDREA T. MARTINEZ  
Assistant United States Attorney